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MODERNISATION FUND

Accelerating the transition to climate neutrality

MODERNISATION FUND **EIB CONFIRMATION OF PRIORITY INVESTMENT**

ref. MF 2026-1 PT 0-001

Beneficiary Member State: Portugal

Investment Proposal: Toward Zero Carbon: Sustainable Building for the Portuguese National Institute of Legal Medicine and Forensic Sciences

1. Background

The Modernisation Fund was set up pursuant to Article 10d of Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (the “ETS Directive”).

The legal basis for the operation of the Modernisation Fund is set out in Commission Implementing Regulation (EU) 2020/1001 of 9 July 2020 laying down detailed rules for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards the operation of the Modernisation Fund supporting investments to modernise the energy systems and to improve energy efficiency of certain Member States (the “Implementing Regulation”).

In accordance with Article 10d(6) of the ETS Directive, the European Investment Bank (the “EIB”) is to confirm whether a proposed investment falls into a priority area. The EIB may confirm the proposal as a priority investment if the conditions specified in Article 6(7) of the Implementing Regulation are met.

2. Investment proposal

Pursuant to Article 4(1) of the Implementing Regulation, on 10/02/2026 Portugal (the “beneficiary Member State”) submitted to the EIB an investment proposal “Toward Zero Carbon: Sustainable Building for the Portuguese National Institute of Legal Medicine and Forensic Science” for which it envisages a contribution from the Modernisation Fund (Modernisation Fund reference number MF 2026-1 PT 0-001).

The investment proposal concerns a project for the period 2026-2028 relating to the additional investment required for the new Northern Delegation of the National Institute of Legal Medicine and Forensic Sciences (INMLCF) to achieve a high performance near zero energy building (nZEB) with Class A+ certification.

The investment consists of the construction of a single public-sector building for medico-legal and forensic science services, comprising specialised laboratories, imaging and examination areas, autopsy facilities, offices and training spaces.

The beneficiary Member State has requested funding of EUR 13 713 096.59.

The main objective of the investment is to construct a fully electrified, high-intensity public services facility meeting nZEB Class A+ under Portugal's EPBD implementation, exceeding the minimum requirement and operating with on-site renewable energy generation coupled with battery energy storage.

The renovation and energy upgrading of public buildings as well as the deployment of renewable energy sources are included in the objectives and measures of the Long-term Strategy and National Energy and Climate Plan (NECP) for Portugal aiming at the improvement of energy efficiency in buildings as well as contributing to the integration of renewable energy sources.

3. Compliance with the conditions for a priority investment

- a) The beneficiary Member State has demonstrated that the investment complies with the requirements laid down in Article 10d(1) of the ETS Directive as it supports the modernisation of the energy system and energy efficiency and it is in line with the objectives and measures set out in its NECP.
- b) According to the information provided by the beneficiary Member State and pursuant to Article 10d(2) Directive 2003/87/EC, the investment is considered as a priority investment as it falls under the priority areas a) the generation and use of electricity from renewable sources, b) heating and cooling from renewable sources, c) the reduction of overall energy use through energy efficiency in buildings, d) energy storage and infrastructure for 0-emission mobility.
- c) The beneficiary Member State has sufficient funds available from allowances referred in Article 10(1), the fourth subparagraph of Directive 2003/87/EC – 2.5% for the requested disbursement, according to the statement of the available funds referred to in Article 5(1) of the Implementing Regulation, and after deduction of any amounts to be disbursed for investments already confirmed in accordance with Article 6(9) of the Implementing Regulation.
- d) The beneficiary Member State has provided evidence that the measures under the investment proposal:
 - do not constitute State aid within the meaning of Article 107(1) of the Treaty on the Functioning of the European Union.

- e) The beneficiary Member State has demonstrated that the investment complies with Article 10f of the Directive 2003/87/EC.
- f) The beneficiary Member State has confirmed in writing that the investment complies with any other applicable requirements of Union and national law.
- g) According to the information provided by the beneficiary Member State, the amounts requested from the Modernisation Fund are not intended to cover the same costs of the investment as those financed by another Union or national instrument.

4. Conclusions

The EIB has assessed the investment proposal based on the information submitted by the beneficiary Member State in accordance with Article 4 and Annex 1 of the Implementing Regulation and it has concluded that the investment proposal has met the conditions specified in Article 6(7) of the Implementing Regulation.

In view of the above, and in reliance on the information and evidence provided and the confirmations given by the beneficiary Member State as described in paragraph 3 above, the EIB confirms the proposal “Toward Zero Carbon: Sustainable Building for the Portuguese National Institute of Legal Medicine and Forensic Science” (Modernisation Fund reference number MF 2026-1 PT 0-001) as a priority investment.

This confirmation is without prejudice to the requirement for a disbursement decision to be made pursuant to Article 10d(3) of the ETS Directive.

European Investment Bank
Luxembourg, 11th March 2026